

REMARKS

There are 88 originally filed claims in the US application Serial No. 10/233,190 filed August 29, 2002, to which the subject application is a divisional of. In the Restriction Requirement dated June 11, 2003, Examiner Anderson issued a 36-way restrictions. On August 11, 2003, Applicants filed a Response to elect claims of group I (i.e., claims 1-7) for prosecution. On a phone conversation dated February 5, 2004 with Examiner Rebecca Anderson and Primary Examiner Joseph McKane, Applicants pointed to the corresponding PCT case (PCT/US02/27593) in which both Examiners have agreed to reduce the restricted groups to 13 groups.

While both Examiners agreed that the number of restricted groups may be reduced, Examiner Anderson correctly indicated that the present divisional application needed to be filed, together with a Preliminary Amendment. Examiner Anderson further indicated that she would issued a new Restriction Requirement with a reduced number of restricted groups.

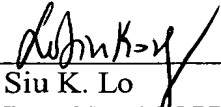
Accordingly, Applicants respectfully filed this Preliminary Amendment to elect claims 28-31 (directed to the crystalline form of benzisoxazole methane sulfonic acid) to pursue prosecution. Applicants understand from the February 5, 2004 telephonic interview that, if the product claims are allowable, applicants may rejoin process claims with the corresponding product claims.

Applicants believe that the pending claims (i.e., claims 28-31) for this divisional application are free of prior art and patentable and allowance of these claims are respectfully requested. The Examiner can reach undersigned at (212) 908-6018 when this application is taken up for further action.

Respectfully submitted,

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